

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-4727
August 13, 2015

R E S O L U T I O N

Resolution E-4727. Pacific Gas and Electric Company requests authority to enter into an easement agreement.

PROPOSED OUTCOME:

- This Resolution adopts the findings and conclusions in the County of Nevada, Public Works Department's Initial Study/Mitigated Negative Declaration pursuant to the California Environmental Quality Act and approves Pacific Gas and Electric Advice Letter 4622-E seeking authority to enter into an easement agreement with the County of Nevada, CA.

SAFETY CONSIDERATIONS:

- Easement agreement will not interfere with Pacific Gas and Electric Company's responsibility to meet their obligations under Public Utilities Code Section 451 to provide services that promote the safety, health, comfort, and convenience of their patrons, employees and the public.

ESTIMATED COST:

- There are no costs associated.

By Advice Letter 4622-E Filed on April 22, 2015.

SUMMARY

Pacific Gas and Electric Company (PG&E) has submitted Advice Letter (AL) 4622-E seeking approval under Public Utilities (PU) Code Section 851 to grant the County of Nevada (County) a perpetual non-exclusive easement on PG&E's Higgins Substation property in unincorporated Grass Valley, California. The Grantee will use the proposed easement to construct a portion of a multi-purpose

public pedestrian path as part of a larger public works plan by the County. This Resolution adopts the findings and conclusions in the County of Nevada, Public Works Department's Mitigated Negative Declaration (MND), pursuant to the California Environmental Quality Act (CEQA), and approves PG&E Advice Letter 4622-E.

BACKGROUND

PG&E owns land, buildings, and other facilities in connection with the provision of electric and natural gas services to its customers throughout northern and central California. In the provision of these services, PG&E relies on a portfolio of fee properties, rights-of-way, and facilities to support its electric and gas activities. Two such fee properties, located in unincorporated Grass Valley, California, supports PG&E's Higgins Substation. The properties are approximately 7.05 acres and the proposed easement is approximately 0.55 acres. The proposed easement is a strip of land approximately 36 feet wide, located at 10118 & 10194 Combie Road and extends along Combie Road between State Route 49 and West Hacienda Drive.

In the Combie Road Class I Pedestrian Bicycle Facility and Utility Undergrounding project, Nevada County is proposing to develop a meandering Class I bicycle paths on the proposed easement, north side of Combie Road from State Route 49 to West Hacienda Drive (approximately 0.83 miles). In addition, this project includes necessary utility undergrounding work along this section of the Combie Road. This project is consistent with its "Higgins Area plan" adopted by County of Nevada in 2000.

Project construction would take place in two phases: 1) PG&E will underground the overhead electrical utilities and 2) Nevada County will construct a pedestrian bicycle facility on the proposed easement. The proposed easement will have no known or anticipated effect on PG&E's current or anticipated utilization of the larger parcels. The proposed easement is at least 70 feet away from electric operations at the substation. PG&E asserts that this easement agreement will not interfere with their ability to provide utility services and is not adverse to the public interest.

Advice Letter 4622-E was appropriately filed pursuant to a program to expedite certain transactions via Advice Letter that otherwise would be subject to a full PU Code section 851 application (Resolution ALJ-244).

The CPUC's decision to grant or deny the relief sought in AL 4622-E requires Commission review and adoption of the analysis and conclusions of the County of Nevada, Public Works Department's MND, issued for public comment in May of 2012, and adopted by the County of Nevada on June 12, 2012, in Resolution No. 12-204. In its review, conducted pursuant to the California Environmental Quality Act, the County acted as Lead Agency and concluded that the proposed project, and all activities associated with it, would not have any significant impact on the environment, provided that the mitigation activities proposed by the County, subject to the easement agreement and outlined in AL 4622-E, are implemented. Such a review and adoption is a discretionary decision pursuant to CEQA, and the CPUC will act as a Responsible Agency for compliance with CEQA. This Resolution adopts the conclusions and findings in the County's MND, in accordance with the CEQA Guidelines and the Public Resources Code, and approves the easement agreement between PG&E and County of Nevada.

NOTICE

Notice of AL 4622-E was made by publication in the Commission's Daily Calendar. PG&E states that a copy of the Advice Letter was mailed and distributed in accordance with Section IV of General Order 96-B.

PROTESTS

Protests to Advice Letter 4622-E were due no later than May 12, 2015. No protests were received.

DISCUSSION

CEQA requires the Commission to consider the environmental consequences of its discretionary decisions. Pursuant to CEQA and Rule 2.4 of the Commission's Rules of Practice and Procedure, the Commission examines projects to determine any potential environmental impacts in order that adverse effects are avoided and environmental quality is restored or enhanced to the fullest extent possible under CEQA. In this instance, the Commission is the Responsible Agency under CEQA with respect to the environmental review of the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding project. The Commission, as a Responsible Agency, must adopt the County of Nevada's findings and conclusions as set out in the County's MND.

An Initial Study was prepared by the County of Nevada Public Works Department pursuant to CEQA that evaluated potential environmental impacts of Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding project. Potentially significant impacts to biological, cultural, air quality resources, hazards/hazardous materials, and noise were identified in the Initial Study; mitigation measures were developed to reduce the significance of the potential impacts; and a MND was prepared as the appropriate environmental document for this project.

The MND (State Clearinghouse Number 2012069019) was circulated to various Governmental Agencies and Departments for comments during the public review period of May 7, 2012, to May 29, 2012. Notice was given to the property owners within the vicinity of the project site during the public review period.

The County's MND examined the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding project including all associated activities and all related impacts. Environmental protection measures to protect sensitive environmental resources were incorporated into the project and were made conditions of project approval by the County. Because these measures have been incorporated into the project's design, construction, and operation, impacts to sensitive environmental resources will be avoided or minimized to less than significant levels.

Based on this evaluation, the County's MND concluded that all impacts of the project could be reduced to less-than-significant levels. On June 12, 2012, the County adopted the findings and conclusions of the MND, and found that the construction and operation of the project, as mitigated, will not create any significant adverse environmental impacts, or impacts on public health and safety.

This Commission has reviewed the County of Nevada's MND as part of our consideration of whether they have complied with CEQA. Based on that review, we find that the County's MND with findings and conclusions represents our independent judgment regarding the environmental impact of the proposed project. Therefore, we will adopt the Mitigated Negative Declaration and the City's findings and conclusions for the proposed project pursuant to and in compliance with CEQA.

COMMENTS

Public Utilities Code Section 311(g)(1) requires that Draft Resolutions be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Public Utilities Code section 311(g)(2) and Rule 14.6(c)(2) both provide that the 30-day comment period may be waived "...for an uncontested matter in which the decision grants the relief requested." Therefore pursuant to PU Code section 311(g)(2) and Rule 14.6(c)(2) the 30-day comment period for Draft Resolutions is being waived.

FINDINGS

1. The County of Nevada acted as the Lead Agency pursuant to CEQA for the environmental review of the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding project.
2. The County of Nevada issued an Initial Study and Mitigated Negative Declaration for twenty-days of public comment between May 7, 2012, and May 29, 2012.
3. The County of Nevada's Initial Study and Mitigated Negative Declaration examined the Combie Road Pedestrian/Bicycle Facility project in detail, including the portions affecting PG&E property, and all related impacts.
4. The Initial Study and Mitigated Negative Declaration concluded that all impacts of the Combie Road Pedestrian/Bicycle Facility project, including those on PG&E property, could be reduced to less-than-significant levels.
5. On June 12, 2012, the County of Nevada Board of Supervisors adopted the Initial Study and Mitigated Negative Declaration for the project in Resolution No. 12-204.
6. The County of Nevada also adopted the findings, conclusions and mitigation measures contained in the Public Works Department's Initial Study and Mitigated Negative Declaration, and found that the construction and operation of the project, as mitigated, would not create any significant adverse environmental impacts, or impacts on public health and safety.
7. Pacific Gas and Electric Company submitted Advice Letter 4622-E on April 22, 2015, seeking authority pursuant to Public Utilities Code section 851 to enter into an easement agreement with the County of Nevada.
8. PG&E appropriately filed Advice Letter 4622-E pursuant to a program to expedite certain transactions via Advice Letter that otherwise would be subject to a full PU Code section 851 application (Resolution ALJ-244).

9. PG&E served all required parties in accordance with General Order 96-B, Section IV.
10. Protests to Advice Letter 4622-E were due no later than May 12, 2015, and no protests were received.
11. This agreement would allow the County of Nevada to construct a pedestrian bicycle facility on a portion of PG&E-owned property.
12. The CPUC's decision to grant or deny the relief sought in AL 4622-E requires Commission review and adoption of the analysis and conclusions of the Initial Study and Mitigated Negative Declaration issued May 7, 2012, as adopted by the County of Nevada on June 12, 2012.
13. The CPUC will act as a Responsible Agency for compliance with CEQA with respect to the environmental review of the Combie Road Pedestrian/Bicycle Facility project.
14. We have reviewed and considered the County of Nevada's Initial Study and Mitigated Negative Declaration prior to adopting the findings, conclusions, and mitigation measures therein.
15. We find that the findings and conclusions in the County of Nevada's Initial Study and Mitigated Negative Declaration reflect our independent judgment.
16. With the implementation of the mitigation measures identified in the County of Nevada's Initial Study and Mitigated Negative Declaration adopted on June 12, 2012, all environmental impacts are reduced to less-than-significant.
17. We conclude that the County of Nevada's Initial Study and Mitigated Negative Declaration is competent, comprehensive and has been completed in compliance with CEQA and the Public Resources Code.
18. The County of Nevada's Initial Study and Mitigated Negative Declaration should be adopted by the Commission as adequate for our decision-making purposes pursuant to CEQA.
19. Pursuant to PU Code section 311(g)(2) and Rule 14.6(c)(2) the 30-day comment period for Draft Resolutions is being waived.

THEREFORE IT IS ORDERED THAT:

1. The County of Nevada's Mitigated Negative Declaration is adequate for the Commission's decision-making purposes and is hereby adopted pursuant to the California Environmental Quality Act Guidelines and the Public Resources Code.

2. The easement agreement presented in Advice Letter 4622-E between Pacific Gas and Electric and the County of Nevada to facilitate the Combie Road Pedestrian/Bicycle Facility project is approved.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on August 13, 2015; the following Commissioners voting favorably thereon:

/s/ TIMOTHY J. SULLIVAN
TIMOTHY J. SULLIVAN
Executive Director

MICHAEL PICKER
President
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
CARLA J. PETERMAN
LIANE M. RANDOLPH
Commissioners